

BOARD OF ZONING APPEALS
CITY OF MILWAUKEE

REGULAR MEETING – November 7, 2013
City Hall, Common Council Committee Room 301-A

MINUTES

PRESENT:

Chairwoman: Catherine M. Doyle (*voting on items 1 – 49, 51 – 59, 61 – 62*)

Members: Henry P. Szymanski (*voting on items 42 – 62*)
Donald Jackson (*voting on items 1 – 62*)
Martin E. Kohler (*voting on items 1 – 62*)
Jose L. Dominguez (*voting on items 1 – 62*)

Alt. Board Members: Jewel Currie (*voting on items 1 – 39, 50, 60*)
Karen D. Dardy (*voting on items 40 – 41*)

START TIME: 4:04 p.m.

END TIME: 8:05 p.m.

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-------------------------|--------------------------------|--|---|
| 1 | 32642 Special Use | Alicia Sanders Lessee Request to continue occupying the premises as a day care center for 85 children per shift infant to 12 years of age, operating Monday - Saturday 6:00 a.m. - midnight. | 3718 W. Lancaster Av. A/K/A 3734 W. Lancaster Av. 1st Dist. |
| Action: | | Dismissed | |
| Motion: | | Donald Jackson moved to dismiss the appeal. Seconded by Martin Kohler. | |
| Vote: | | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| Conditions of Approval: | | -- | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|--|--|
| 2 | 32751 Special Use | DEALPOINT MERRILL, LLC Attn: David Frank & Dick Mason; Prospective Buyer | 5800 W. Hope Av. A/K/A 5717 W. Fond Du Lac Av. 2nd Dist. |
| | | Request to occupy the premises as an indoor storage facility. | |
| | Action: | Dismissed | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Martin Kohler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | -- | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|----------------------------|---|---|
| 3 | 32810 Extension of Time | Omar Jackson Lessee Request for an extension of time to comply with the conditions of case #32000. | 7625 W. Fond Du Lac Av. A/K/A 7633 W. Fond Du Lac Av. 2nd Dist. |
| | Action: | Granted 1 yr. | |
| | Motion: | Donald Jackson moved to grant the request. Seconded by Martin Kohler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <p>EXTENSION OF TIME REQUEST GRANTED FOR ONE YEAR. Must comply with the conditions of case #32000 below:</p> <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code. 5. That the outdoor play area is not utilized before 9:00 A.M. or after 8:00 P.M. 6. That the petitioner submit a copy of the State of Wisconsin day care license to the Board of Zoning Appeals within 60 days of Board approval of the special use. 7. That landscaping and screening is maintained in a manner that meets the intent of city code. 8. That the petitioner obtains a new occupancy certificate to account for the increased number of children by having all required inspections, complies with current State commercial building code for institutional occupancies and complies with all zoning conditions and building code requirements prior to occupancy. 9. That the facility does not exceed a capacity of 200 children, or does not exceed the capacity established by the State Department of Children and Families if required to be less than 200 children. 10. That the petitioner provides the Department of Neighborhood Services a scaled and dimensioned floor plan of the school that identifies the intended use and capacity of each room. 11. That this Special Use is granted for a period of time commencing with the date hereof, and expiring on March 2, 2014. | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|----------------------------|---|---|
| 4 | 32785 Extension of Time | Cedar Square LLC Judy Brachman or Sal Bando; Property Owner Request for an extension of time to comply with the conditions of case #31540. | 945 N. 17th St. A/K/A 947 N. 17th St. 4th Dist. |
| | Action: | Granted 1 yr. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Martin Kohler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | EXTENSION OF TIME REQUEST GRANTED. Must comply with the conditions of case #31540 listed below: 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary. 5. That a contact name and phone number be provided to the Board office within ten days of the issuance of this written decision. 6. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code for R-1 occupancies and complies with all zoning conditions and building code requirements prior to occupancy. 7. That this Special Use is granted for a period of time commencing with the date hereof, and expiring on April 24, 2015. | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|----------------------------|--|------------------------------------|
| 5 | 32763 Special Use | Daljit S Kler Property Owner | 3500 S. 13th St. 13th Dist. |
| | | Request to continue occupying the premises as a motor vehicle filling station. | |
| | Action: | Granted 10 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Martin Kohler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary. 5. That glass tubes (i.e. type associated with individually sold flowers) and any other item deemed to be drug paraphernalia as defined by s.106-36 of the Milwaukee Code of Ordinances or Section 961.571 of the Wisconsin State Statutes not be sold on the premises. 6. That site illumination must meet the lighting standards of s.295-409 of the Milwaukee Zoning Code. 7. That no additional signage may be erected on the site unless it meets the signage standards of s.295-605 of the Milwaukee Zoning Code. 8. That landscaping in accordance with the landscape plan approved by the Department of City Development on March 23, 1995 or other landscape plan as approved by the Zoning Administration Group is implemented by June 1, 2014 and maintained in a manner that meets the intent of City code. 9. That the applicant does not have outdoor storage or display of products or merchandise. 10. That the applicant has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit. 11. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|--|---|
| 6 | 32772 Special Use | <p>Prime Financial Credit Union Colleen Jakubowski; Property Owner</p> <p>Request to continue occupying the premises as a permitted financial institution with a drive-through facility that does not meet minimum queue length or minimum distance from residential use.</p> <p>Action: Granted 15 yrs.</p> <p>Motion: Donald Jackson moved to grant the appeal. Seconded by Martin Kohler.</p> <p>Vote: 4 Ayes, 0 Nays, 1 C. Doyle Abstained.</p> <p>Conditions of Approval:</p> <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code. 5. That within 60 days of Board approval of the special use the petitioner must submit a landscape plan to the Board of Zoning Appeals for approval by the Zoning Administration Group. Specifically, the landscape plan must provide shrubs along the parcel's W. Oklahoma Ave frontage. The plan must also include a date by which all landscape improvements will be implemented. 6. That this Special Use is granted for a period of fifteen (15) years, commencing with the date hereof. | <p>1923 W. Oklahoma Av. A/K/A 1933 W. Oklahoma Av. 13th Dist.</p> |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|---|------------------------------------|
| 7 | 32818 Special Use | C&C South 27th, LLC Stephen Chin; Lessee Request to continue occupying the premises as a fast-food/carry-out restaurant. | 3702 S. 27th St. 13th Dist. |
| | Action: | Granted 10 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Martin Kohler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That no additional signage may be erected on the site unless it meets the signage standards of s.295-605 of the Milwaukee Zoning Code. 5. That landscaping and screening is maintained in a manner that meets the intent of City code. 6. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary. 7. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|----------------------------|---|--|
| 8 | 32777 Use Variance | Matthew McCulloch Lessee Request to occupy the premises as a heavy manufacturing facility (brewery and restaurant). | 2273 S. Howell Av. A/K/A 2271 S. Howell Av. 6 14th Dist. |
| | Action: | Granted 10 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Martin Kohler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code. 5. That the applicant obtain a Sidewalk Area Dining Facility Permit for the tables and chairs ("seasonal seating") shown on the First Floor Plan. 6. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code for Assembly A-2 occupancies and complies with all zoning conditions and building code requirements prior to occupancy. 7. That this Use Variance is granted for a period of ten (10) years, commencing with the date hereof. | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|----------------------------------|---|------------------------------------|
| 9 | 32824 Dimensional Variance | Tom or Sarah Grimm Property Owner Request to construct a porch that does not meet the minimum front setback (required 12 ft. / proposed 11 ft.). | 2744 S. Adams Av. 14th Dist. |
| | Action: | Granted | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Martin Kohler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That this Dimensional Variance is granted to run with the land. | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|--|--|
| 10 | 32732 Special Use | Linda Hammer Lessee Request to occupy a portion of the premises as a hand car wash. | 2342 W. North Av. A/K/A 2100 W. North Av. 15th Dist. |
| | Action: | Granted 3 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Martin Kohler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code. 5. That all car wash activity is conducted inside of the building. 6. That all wastewater is contained on site. 7. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary. 8. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code for Storage S-2 occupancies and complies with all zoning conditions and building code requirements prior to occupancy. 9. That the applicant has no outdoor storage of auto parts, tires, nuisance vehicles or other junk and debris. 10. That the applicant has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit. 11. That this Special Use is granted for a period of three (3) years, commencing with the date hereof. | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|--|---|
| 11 | 32761 Special Use | <p>Young Achiever Learning Center Gwendolyn Summerville; Lessee</p> <p>Request to continue occupying the premises as a day care center for 60 children per shift infant to 12 years of age, operating Monday - Friday 6:00 a.m. to midnight.</p> <p>Action: Granted 5 yrs.</p> <p>Motion: Donald Jackson moved to grant the appeal. Seconded by Martin Kohler.</p> <p>Vote: 4 Ayes, 0 Nays, 1 C. Doyle Abstained.</p> <p>Conditions of Approval:</p> <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code. 5. That the outdoor play area is not utilized before 9:00 A.M. or after 8:00 P.M. 6. That a contact name and phone number be provided to the Board office within ten days of the issuance of this written decision. The phone number must be available 24 hours per day. 7. That the petitioner submit a copy of the State of Wisconsin day care license to the Board of Zoning Appeals within 60 days of Board approval of the special use 8. That the storefront windows remain as transparent glass per s.295-605-2-i-3-c of the Milwaukee Code of Ordinances and are maintained in an attractive manner. 9. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code for Institutional I-4 occupancies and complies with all zoning conditions and building code requirements. 10. That the facility does not exceed a capacity of 60 children, or does not exceed the capacity established by the State Department of Children and Families if required to be less than 60 children. 11. That this Special Use is granted for a period of five (5) years, commencing with the date hereof. | <p>1218 W. Walnut St. A/K/A 1212 W. Walnut St. 15th Dist.</p> |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|---|------------------------------------|
| 12 | 32770 Use Variance | Lou A Avila Property Owner | 4319 W. North Av. 15th Dist. |
| | | Request to continue occupying the premises as a heavy motor vehicle body shop. | |
| | Action: | Granted 10 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Martin Kohler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code.</p> <p>5. That no work on or storage of vehicles occurs in the public right-of-way.</p> <p>6. That the applicant has no outdoor storage of auto parts, tires, nuisance vehicles or other junk and debris.</p> <p>7. That the applicant has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit.</p> <p>8. Provided all motor vehicle body work is performed inside the building with the doors closed. All vehicle painting must comply with requirements chapter 236 of the Milwaukee Code of Ordinances.</p> <p>9. That this Use Variance is granted for a period of ten (10) years, commencing with the date hereof.</p> | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--|---|--|
| 13 | 32790 Special Use/ Dimensional Variance | Trinity Missionary Baptist Church Harold Turner; Prospective Buyer Request to continue occupying the premises as a religious assembly hall without the required number of parking spaces (this is a new operator). | 2829 N. Teutonia Av. A/K/A 2835 N. Teutonia Av. 15th Dist. |
| | Action: | Granted 10 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Martin Kohler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code. 5. That landscaping and screening is maintained in a manner that meets the intent of City code. 6. That this Special Use and this Variance are granted for a period of ten (10) years, commencing with the date hereof. | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|---|--|
| 14 | 32803 Special Use | <p>Superstar Childcare Claudett Zollicoffer; Lessee</p> <p>Request to continue occupying the premises as a day care center for 100 children per shift infant to 12 years of age, operating Monday - Sunday 6:00 a.m. to midnight.</p> <p>Action: Granted 5 yrs.</p> <p>Motion: Donald Jackson moved to grant the appeal. Seconded by Martin Kohler.</p> <p>Vote: 4 Ayes, 0 Nays, 1 C. Doyle Abstained.</p> <p>Conditions of Approval:</p> <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code. 5. That the outdoor play area is not utilized before 9:00 A.M. or after 8:00 P.M. 6. That a contact name and phone number be provided to the Board office within 30 days of the issuance of this written decision. The phone number must be available 24 hours a day. 7. That the storefront windows remain as transparent glass per s.295-605-2-i-3-c of the Milwaukee Code of Ordinances and are maintained in an attractive manner. 8. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code for Educational - E occupancies and complies with all zoning conditions and building code requirements. 9. That this Special Use is granted for a period of five (5) years, commencing with the date hereof. | <p>1862 W. Fond Du Lac Av. 1 A/K/A 2222 N. 19th St. 402 15th Dist.</p> |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--|---|---|
| 15 | 32821 Special Use/ Dimensional Variance | <p>Unity Gospel House of Prayer Property Owner</p> <p>Request to continue occupying the premises as a religious assembly hall that does not meet the minimum required parking spaces (required 166 / proposed 29) or the minimum front setback (required 9.13 ft. / proposed 4 ft.).</p> | <p>1731 N. 12th St. A/K/A 1747 N. 12th St. 15th Dist.</p> |
| | Action: | Granted 10 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Martin Kohler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code.</p> <p>5. That this Special Use and these Variances are granted for a period of ten (10) years, commencing with the date hereof.</p> | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|---|---|
| 16 | 32825 Special Use | <p>Unity Gospel House of Prayer Property Owner</p> <p>Request to continue occupying the premises as a principal use parking lot.</p> <p>Action: Granted 10 yrs.</p> <p>Motion: Donald Jackson moved to grant the appeal. Seconded by Martin Kohler.</p> <p>Vote: 4 Ayes, 0 Nays, 1 C. Doyle Abstained.</p> <p>Conditions of Approval:</p> | <p>1220 W. Fond Du Lac Av. A/K/A 1226 W. Fond Du Lac Av. 15th Dist.</p> |
| | | <p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That landscaping and screening is implemented and maintained in accordance with the landscape plan submitted to the Board of Zoning Appeals on October 5, 2005. Specifically, that additional trees and shrubs are planted in accordance with said plan.</p> <p>5. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.</p> | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|--|---|
| 17 | 32757 Special Use | Magnolia Realty LLC Robert Pyles; Property Owner Request to occupy the premises as a day care center for 85 children per shift infant to 12 years of age, operating Monday - Sunday 5:30 a.m. to 1:00 a.m. | 3821 W. Florist Av. A/K/A 3829 W. Florist Av. 1st Dist. |
| | Action: | Granted 3 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Martin Kohler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code. 5. That the outdoor play area is not utilized before 9:00 A.M. or after 8:00 P.M. 6. That the petitioner submit a copy of the State of Wisconsin day care license to the Board of Zoning Appeals within 60 days of State issuance of the license. 7. That a contact name and phone number be provided to the Board office within 30 days of the issuance of this written decision. The phone number must be available 24 hours a day. 8. That the petitioner submits plans prepared by an architect for the conversion of this building, obtains all required permits and obtains a final occupancy certificate by having all required inspections, complies with current State commercial building code for Educational - E occupancies and complies with all zoning conditions and building code requirements prior to occupancy. 9. That the facility does not exceed a capacity of 85 children or the capacity established by the State Department of Children and Families if less than 85 children. 10. That this Special Use is granted for a period of three (3) years, commencing with the date hereof. | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|---|--|
| 18 | 32816 Special Use | Bell Therapy Inc./Bellwood Ltd. Leonard F. Dziubla; Property Owner Request to continue occupying the premises as a community living arrangement for 46 occupants. | 5151 W. Silver Spring Dr. A/K/A 5555 N. 51st Bl. 1st Dist. |
| | Action: | Granted 10 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Martin Kohler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|---|--|
| 19 | 32795 Special Use | <p>Marlas Child Development Academy Marilyn Laster; Property Owner</p> <p>Request to continue occupying the premises as a day care center for 100 children infant to 12 years of age, operating Monday - Friday 6:00 a.m. - midnight and Saturday 8:00 a.m. - 8:00 p.m.</p> | <p>3008 W. Capitol Dr. A/K/A 3012 W. Capitol Dr. 1st Dist.</p> |
| | Action: | Granted 10 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Martin Kohler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must meet the signage standards of s.295-805 of the Milwaukee Zoning Code. 5. That the outdoor play area is not utilized before 9:00 A.M. or after 8:00 P.M. 6. That the petitioner submit a copy of the State of Wisconsin day care license to the Board of Zoning Appeals within 60 days of State issuance of the license. 7. That a contact name and phone number be provided to the Board office within 30 days of the issuance of this written decision. The phone number must be available 24 hours a day. 8. That landscaping in accordance to the landscape plan approved by the Department of City Development on September 9, 2003 is implemented by June 1, 2014 and maintained in a manner that meets the intent of City code. 9. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|--|---|
| 20 | 32760 Special Use | Bright Beginnings Children Center Chandra Cooper; Lessee Request to continue occupying the premises as a 24 hour day care center for 68 children per shift infant to 12 years of age 6:00 a.m. - 9:00 p.m., and 20 children per shift 9:00 p.m. - 6:00 a.m. operating Monday - Sunday. | 5576 N. 76th St. A/K/A 5570 N. 76th St. 2nd Dist. |
| | Action: | Granted 10 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Martin Kohler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code. 5. That the outdoor play area is not utilized before 9:00 A.M. or after 8:00 P.M. 6. That the storefront windows remain as transparent glass per s.295-605-2-i-3-c of the Milwaukee Code of Ordinances and are maintained in an attractive manner. 7. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code for Institutional I-4 occupancies and complies with all zoning conditions and building code requirements. 8. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|--|---|
| 21 | 32814 Special Use | Carmel Development Center Carmel Scaife; Lessee Request to occupy a portion of the premises as a 24 hour day care center for 40 children per shift infant to 12 years of age, operating Monday - Sunday. | 8715 W. Fond Du Lac Av. A/K/A 8745 W. Fond Du Lac Av. 2nd Dist. |
| | Action: | Granted 10 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Martin Kohler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must meet the signage standards of s.295-805 of the Milwaukee Zoning Code. 5. That the outdoor play area is not utilized before 9:00 A.M. or after 8:00 P.M. 6. That the petitioner submit a copy of the State of Wisconsin day care license to the Board of Zoning Appeals within 60 days of State issuance of the license. 7. That a contact name and phone number be provided to the Board office within 30 days of the issuance of this written decision. The phone number must be available 24 hours a day. 8. That the storefront windows remain as transparent glass per s.295-605-2-i-3-c of the Milwaukee Code of Ordinances and are maintained in an attractive manner. 9. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code for Institutional I-4 occupancies and complies with all zoning conditions and building code requirements prior to occupancy. 10. That the facility does not exceed the capacity established by the State Department of Children and Families. 11. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|---|---|
| 22 | 32797 Special Use | Bridgeman Foods II Inc./J B Properties Paul S. Thompson; Property Owner Request to continue occupying the premises as a fast-food/carry-out restaurant. | 914 N. 27th St. A/K/A 918 N. 27th St. 4th Dist. |
| | Action: | Granted 10 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Martin Kohler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That landscaping and screening is maintained in a manner that meets the intent of City code. 5. That signage must conform to the sign standards of s.295-605-5 of the Milwaukee Zoning Code. 6. That site illumination must meet the lighting standards of s.295-409 of the Milwaukee Zoning Code. 7. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private security personnel if necessary. 8. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|----------------------------|---|--|
| 23 | 32805 Special Use | Three B Company, LLC c/o William Brachman; Cedar Square LLC; Property Owner | 953 N. 17th St. A/K/A 955 N. 17th St. 12 4th Dist. |
| | | Request to occupy the premises as a rooming house for 24 occupants. | |
| | Action: | Granted 10 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Martin Kohler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary.</p> <p>5. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code for r-2 occupancies and complies with all zoning conditions and building code requirements prior to occupancy.</p> <p>6. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.</p> | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|---|------------------------------------|
| 24 | 32762 Special Use | TLC Personal Care Agency LLC Ronald M. Bell Jr.; Property Owner | 8105 W. Lisbon Av. 5th Dist. |
| | | Request to occupy the premises as a general office. | |
| | Action: | Granted 5 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Martin Kohler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That signage must meet the signage standards of s.295-505-5 of the Milwaukee Zoning Code.</p> <p>5. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code for Business - B occupancies and complies with all zoning conditions and building code requirements prior to occupancy.</p> <p>6. That the applicant has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit.</p> <p>7. That this Special Use is granted for a period of five (5) years, commencing with the date hereof.</p> | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--|---|---|
| 25 | 32714 Special Use/ Dimensional Variance | Sean Jensen Prospective Buyer Request to continue occupying the premises as a motor vehicle sales and repair facility that does not meet the minimum required landscape width (required 5ft. / proposed 4ft.) (this is a new operator). | 10712 W. Hampton Av. 5th Dist. |
| | Action: | Adjourned | |
| | Motion: | This matter has been adjourned at the request of staff and will be rescheduled for the next available hearing. | |
| | Vote: | -- | |
| | Conditions of Approval: | -- | |
| 26 | 32794 Dimensional Variance | Sisters of the Divine Savior Neal Ricker; Property Owner Request to erect a fence in the rear yard that exceeds the maximum allowed height (allowed 6 ft. / proposed 8 ft.). | 4257 N. 100th St. A/K/A 4315 N. 100th St. 5th Dist. |
| | Action: | Adjourned | |
| | Motion: | This matter has been adjourned at the request of an interested party and will be rescheduled for the next available hearing. | |
| | Vote: | -- | |
| | Conditions of Approval: | -- | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|----------------------------|---|--|
| 27 | 32753 Special Use | <p>Darneesha Jude Lessee</p> <p>Request to continue occupying the premises as a day care center for 50 children per shift infant to 12 years of age, operating Monday - Friday 6:00 a.m. - 10:00 p.m. (this is a new operator).</p> <p>Action: Granted 3 yrs.</p> <p>Motion: Donald Jackson moved to grant the appeal. Seconded by Martin Kohler.</p> <p>Vote: 4 Ayes, 0 Nays, 1 C. Doyle Abstained.</p> <p>Conditions of Approval:</p> <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code. 5. That the outdoor play area is not utilized before 9:00 A.M. or after 8:00 P.M. 6. That the petitioner submit a copy of the State of Wisconsin day care license to the Board of Zoning Appeals within 60 days of State issuance of the license. 7. That a contact name and phone number be provided to the Board office within 30 days of the issuance of this written decision. The phone number must be available 24 hours a day. 8. That the applicant applies for a loading zone on North 17th Street. 9. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code and complies with all zoning conditions and local building code requirements. 10. That the facility does not exceed a capacity of 39 children, or does not exceed the capacity established by the State Department of Children and Families if required to be less than 39 children. 11. That the second floor only be used to care for children 2.5 years of age and older. 12. That this Special Use is granted for a period of three (3) years, commencing with the date hereof. | <p>2977 N. 17th St. A/K/A 2979 N. 17th St. 6th Dist.</p> |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|----------------------------------|--|---|
| 28 | 32765 Dimensional Variance | <p>Mount Moriah Baptist Church Henry Redic; Property Owner</p> <p>Request to raze the existing structure and construct a permitted religious assembly hall that exceeds the maximum allowed side street setback (required 15 ft. / proposed 115 ft.).</p> | <p>416 W. Christine Ln. A/K/A 2747 N. 4th St. 6th Dist.</p> |
| | Action: | Granted | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Martin Kohler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That a Department of Public Works (DPW) permit is obtained for any work in the public right-of-way, including, but not limited to, excavation for building foundations, excavation related to building demolition, and occupancy of the sidewalk during construction or demolition phases of the project.</p> <p>5. That this Dimensional Variance be granted to run with the land.</p> | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|--|------------------------------------|
| 29 | 32779 Special Use | Lorenzo Moody Lessee Request to continue occupying the premises as a 24 hour day care center for 30 children per shift infant to 12 years of age, operating Monday - Sunday (this is a new operator). | 3240 N. Teutonia Av. 6th Dist. |
| | Action: | Granted 5 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Martin Kohler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code. 5. That the outdoor play area is not utilized before 9:00 A.M. or after 8:00 P.M. 6. That the petitioner submit a copy of the State of Wisconsin day care license to the Board of Zoning Appeals within 60 days of State issuance of the license. 7. That a contact name and phone number be provided to the Board office within 30 days of the issuance of this written decision. The phone number must be available 24 hours a day. 8. That the storefront windows remain as transparent glass per s.295-605-2-i-3-c of the Milwaukee Code of Ordinances and are maintained in an attractive manner. 9. That the applicant applies for a loading zone on North Teutonia Avenue. 10. That the petitioner obtains a new occupancy certificate by having all required inspections, complies with current State commercial building code for Educational - E occupancies and complies with all zoning conditions and building code requirements prior to occupancy. 11. That the applicant has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit. 12. That this Special Use is granted for a period of five (5) years, commencing with the date hereof. | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|---|---|
| 30 | 32789 Special Use | Devern Suggs Prospective Buyer Request to continue occupying the premises as a religious assembly hall (this is a new operator). | 1135 W. Keefe Av. A/K/A 1131 W. Keefe Av. 6th Dist. |
| | Action: | Granted 10 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Martin Kohler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code.</p> <p>5. That landscaping and screening is implemented and maintained in accordance with the landscape plan approved by the Department of City Development on April 22,2003. Specifically, that additional shrubs are planted along the parcel's the N.12th St and W. Keefe Ave frontages in accordance with said plan.</p> <p>6. That the unused driveway located on North 12th Street, which is adjacent to the alley, be removed and restored to City of Milwaukee specifications.</p> <p>7. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code for Assembly A-2 occupancies and complies with all zoning conditions and building code requirements prior to occupancy.</p> <p>8. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.</p> | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|--|--|
| 31 | 32817 Special Use | Aurora Visiting Nurse Association, Inc. Property Owner Request to continue occupying the premises as a day care center for 80 adults, operating Monday - Friday 7:00 a.m. to 5:00 p.m. | 1702 N. 4th St. 1 A/K/A 1702 N. 4th St. 24 6th Dist. |
| | Action: | Granted 15 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Martin Kohler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code for Institutional I-4 occupancies and complies with all zoning conditions and building code requirements.</p> <p>5. That this Special Use is granted for a period of fifteen (15) years, commencing with the date hereof.</p> | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|---|------------------------------------|
| 32 | 32767 Special Use | Shiquita Mann Lessee | 4335 N. 35th St. 7th Dist. |
| | | Request to continue occupying the premises as a day care center for 50 children per shift infant to 12 years of age, operating Monday - Sunday 6:00 a.m. to midnight (this is a new operator). | |
| | Action: | Granted | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Martin Kohler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code.</p> <p>5. That the outdoor play area is not utilized before 9:00 A.M. or after 8:00 P.M.</p> <p>6. That the petitioner submit a copy of the State of Wisconsin day care license to BOZA within 60 days of Board approval of the special use.</p> <p>7. That a contact name and phone number be provided to the Board office within ten days of the issuance of this written decision. The phone number must be available 24 hours a day.</p> <p>8. That the applicant applies for a loading zone on North 35th Street.</p> <p>9. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code for Institutional I-4 occupancies and complies with all zoning conditions and building code requirements.</p> <p>10. That this Special Use is granted for a period of time commencing with the date hereof, and expiring on March 26, 2018.</p> | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|---|------------------------------------|
| 33 | 32784 Special Use | Sallie Thomas Property Owner | 4032 N. 39th St. 7th Dist. |
| | | Request to continue occupying the premises as a day care center for 12 children per shift infant to 3 years of age, operating Monday - Friday 6:00 a.m. to 6:00 p.m. | |
| | Action: | Granted 10 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Martin Kohler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That the outdoor play area is not utilized before 9:00 A.M. or after 8:00 P.M.</p> <p>5. That a contact name and phone number be provided to the Board office within 30 days of the issuance of this written decision. The phone number must be available 24 hours a day.</p> <p>6. That the petitioner obtains an occupancy certificate by having all required inspections, and complies with all zoning conditions and building code requirements.</p> <p>7. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.</p> | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|---|------------------------------------|
| 34 | 32820 Special Use | Carrie Palmer Property Owner | 3272 N. 30th St. 7th Dist. |
| | | Request to continue occupying the premises as a day care center for 8 children per shift infant to 12 years of age, operating Monday - Friday 6:00 a.m. to 11:00 p.m. | |
| | Action: | Granted 10 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Martin Kohler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That signage be limited to a maximum of 18 square feet.</p> <p>5. That the outdoor play area is not utilized before 9:00 A.M. or after 8:00 P.M.</p> <p>6. That the petitioner submit a copy of the State of Wisconsin day care license to Board of Zoning Appeals within 60 days of Board approval of the special use.</p> <p>7. That a contact name and phone number be provided to the Board office within 30 days of the issuance of this written decision. The phone number must be available 24 hours a day.</p> <p>8. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.</p> | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|---|---|
| 35 | 32704 Special Use | Victor Colon Prospective Buyer Request to occupy the premises as a second-hand sales facility. | 1761 S. Muskego Av. A/K/A 1757 S. Muskego Av. 8th Dist. |
| | Action: | Granted 5 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Martin Kohler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That the storefront windows added to the building's S. Muskego Ave facade with transparent glass in accordance with the glazing standards of s.295-605-2-i-3 of the Milwaukee Code of Ordinances and are maintained in an attractive manner.</p> <p>5. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code.</p> <p>6. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code and complies with all zoning conditions and local building code requirements prior to occupancy. Please note, this is a change of use to a higher hazard per 2009 IEBC. As such, a building code analysis must be prepared by a Wisconsin-registered design professional, provided and reviewed (fee). This analysis must address, point-by-point the requirements of the 2009 IEBC, as amended, as they pertain to change of use from A-2 Assembly to M Mercantile use.</p> <p>7. That the applicant does not have outdoor storage or display of products or merchandise.</p> <p>8. That the applicant has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit.</p> <p>9. That this Special Use is granted for a period of five (5) years, commencing with the date hereof.</p> | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|---|------------------------------------|
| 36 | 32787 Special Use | Rob Settecase Property Owner | 7320 W. Good Hope Rd. 9th Dist. |
| | | Request to continue occupying the premises as a second-hand sales facility. | |
| | Action: | Granted 10 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Martin Kohler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code for LB1 zoning districts.</p> <p>5. That the storefront windows remain as transparent glass in accordance with the glazing standards of s.295-605-2-i-3 of the Milwaukee Code of Ordinances and are maintained in an attractive manner.</p> <p>6. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.</p> | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|----------------------------------|--|---|
| 37 | 32798 Dimensional Variance | Our Lady of Lourdes Property Owner Request to erect a sign that exceeds the maximum allowed area (allowed 18 sq.ft. / proposed 26.55 sq.ft.) and the maximum allowed height (allowed 6 ft. / proposed 7.25 ft.). | 3722 S. 58th St. A/K/A 5735 W. Forest Home Av. 11th Dist. |
| | Action: | Granted | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Martin Kohler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That these Dimensional Variances are granted to run with the land. | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|--|------------------------------------|
| 38 | 32773 Special Use | Luis A Machare Lessee | 607 S. 5th St. 12th Dist. |
| | | Request to occupy the premises as a motor vehicle sales and repair facility. | |
| | Action: | Granted 3 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Martin Kohler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must meet the signage standards of s.295-805 of the Milwaukee Zoning Code. 5. That all repair work is conducted inside the building. 6. That no work on or storage of vehicles occurs in the public right-of-way. 7. That no sales vehicles are displayed in the public right-of-way. 8. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code for Storage S-1 occupancies and complies with all zoning conditions and building code requirements prior to occupancy. 9. That the applicant has no outdoor storage of auto parts, tires, nuisance vehicles or other junk and debris. 10. That the applicant has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit. 11. That this Special Use is granted for a period of three (3) years, commencing with the date hereof. | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|---|--|
| 39 | 32786 Special Use | Maria Herrera Lessee Request to occupy a portion of the premises as a general office. | 2000 S. 14th St. A/K/A 2000 A S. 14th St. 12th Dist. |
| | Action: | Granted 5 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Martin Kohler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must meet the signage standards of s.295-505-5 of the Milwaukee Zoning Code. In particular that wall signage is limited to a maximum of 18 square feet per street frontage. 5. That the storefront windows remain as transparent vision glass and are maintained in an attractive manner. 6. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code for Business - B occupancies and complies with all zoning conditions and building code requirements prior to occupancy. 7. That this Special Use is granted for a period of five (5) years, commencing with the date hereof. | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|----------------------------|---|--|
| 40 | 32495 Use Variance | <p>The Power of God Church Ministries Daughters of the Father Christian Academy; Lessee</p> <p>Request to continue to allow the expanded hours of the school and to continue to occupy a portion of the premises as a religious assembly hall.</p> <p>Action: Granted 2 yrs.</p> <p>Motion: Donald Jackson moved to grant the appeal. Seconded by Jose Dominguez.</p> <p>Vote: 4 Ayes, 0 Nays, 1 C. Doyle Abstained.</p> <p>Conditions of Approval:</p> <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must meet the signage standards of s.295-805 of the Milwaukee Zoning Code. 5. That a full-time parking attendant be hired to direct all visitors of the property to the parking lots and legal parking spaces. 6. That there be no parking along 38th Street by staff or visitors to the property. 7. That all school related functions cease by 5:30 p.m. The petitioner may hold school functions after 5:30 p.m. one (1) day per month. 8. That the petitioner notify neighbors of school events being held after 5:30 p.m. 9. That the church hours be restricted to Thursday 5:00 p.m. - 7:30 p.m., Saturday 10:30 a.m. - 11:45 a.m. and Sunday 9:00 a.m. - 12:00 p.m. 10. That on the occasions when school functions are held after 5:30 p.m. (see condition #8 above) all activities related to the school end and the site be vacated by 8:00 p.m. 11. That the applicant submit a contact name and number that can be directly reached 24 hours a day and 7 days a week to all interested parties, including but not limited to, the Alderman of the District, the Board of Zoning Appeals, and the Department of Neighborhood Services. 12. That the petitioner hold monthly public meetings to discuss the concerns of the neighborhood. Notice of the time and location of the meetings shall be sent to the neighbors, the Alderman's office and the Board of Zoning Appeals office at least one week in advance of the meeting. The petitioner shall submit monthly meeting minutes to the Board of Zoning Appeals office. 13. That the parking lot detailed in the shared parking agreement be utilized and the Board office be notified once work is complete. 14. That these Variances are granted for a period of two (2) years, commencing with the date hereof. | <p>3712 W. Lancaster Av. A/K/A 3734 W. Lancaster Av. 1st Dist.</p> |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|--|------------------------------------|
| 41 | 32706 Appeal of an Order | Autopilot Management, LLC Lessee Request to appeal an order from the Department of Neighborhood Services stating that the premises is being occupied as a commercial hotel. | 2950 N. Shepard Av. 3rd Dist. |
| | Action: | | |
| | Motion: | Jose Dominguez moved to uphold the order. Seconded by Martin Kohler. | |
| | Vote: | 5 Ayes, 0 Nays, 0 Abstained. | |
| | Conditions of Approval: | DNS ORDER UPHELD | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|----------------------------|---|------------------------------------|
| 42 | 32796 Special Use | Lucky Petroleum, LLC Amrit Kaur; Property Owner | 4709 S. Howell Av. 13th Dist. |
| | | Request to continue occupying the premises as a motor vehicle filling station (this is a new operator). | |
| | Action: | Granted 5 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Martin Kohler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That no additional signage may be erected on the site unless it meets the signage standards of s.295-605 of the Milwaukee Zoning Code.</p> <p>5. That glass tubes (i.e. type associated with individually sold flowers) and any other item deemed to be drug paraphernalia as defined by s.106-36 of the Milwaukee Code of Ordinances or Section 961.571 of the Wisconsin State Statutes not be sold on the premises</p> <p>6. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary.</p> <p>7. That the petitioner shall implement and maintain landscaping and screening in accordance with the landscape plan submitted to the Board of Zoning Appeals on October 22, 2010 or other landscape plan as approved by the Zoning Administration Group. Specifically the petitioner shall be responsible for continuous landscape maintenance including plant material replacement on a seasonal basis if such material is no longer comparable in size to the plant list specification, and inconsistent with the typical form/shape of that species because of dieback, stunting or damage.</p> <p>8. That the applicant does not have outdoor storage or display of products or merchandise.</p> <p>9. That the applicant has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit.</p> <p>10. That this Special Use is granted for a period of five (5) years, commencing with the date hereof.</p> | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|--|------------------------------------|
| 43 | 32628 Special Use | Layton Ave, LLC Rory Oppenheimer; Property Owner | 1010 E. Layton Av. 13th Dist. |
| | | Request to continue occupying the premises as a motor vehicle sales facility. | |
| | Action: | Granted 10 yrs. | |
| | Motion: | Henry Szymanski moved to grant the appeal. Seconded by Jose Dominguez. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That site illumination must meet the lighting standards of s.295-409 of the Milwaukee Zoning Code. 5. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code. 6. That landscaping and screening is maintained in a manner that meets the intent of City code. 7. That no sales vehicles are displayed in the public right-of-way. 8. That no vehicles are parked or displayed in the driveway. 9. That the applicant has no outdoor storage of auto parts, tires, nuisance vehicles or other junk and debris. 10. That the applicant has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit. 11. That the trailer used to transport vehicles be stored in the rear of the property. 12. That the petitioner work with DCD and the Alderman's office to develop a plan for landscaping along the eastern edge of the property. 13. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|----------------------------|--|------------------------------------|
| 44 | 32630 Special Use | Layton Ave, LLC Rory Oppenheimer; Property Owner | 1026 E. Layton Av. 13th Dist. |
| | | Request to continue occupying the premises as a motor vehicle sales facility. | |
| | Action: | Granted 10 yrs. | |
| | Motion: | Henry Szymanski moved to grant the appeal. Seconded by Jose Dominguez. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That site illumination must meet the lighting standards of s.295-409 of the Milwaukee Zoning Code. 5. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code. 6. That landscaping and screening is maintained in a manner that meets the intent of City code. 7. That no sales vehicles are displayed in the public right-of-way. 8. That no vehicles are parked or displayed in the driveway. 9. That the applicant has no outdoor storage of auto parts, tires, nuisance vehicles or other junk and debris. 10. That the applicant has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit. 11. That the trailer used to transport vehicles be stored in the rear of the property. 12. That the petitioner work with DCD and the Alderman's office to develop a plan for landscaping along the eastern edge of the property. 13. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|---|------------------------------------|
| 45 | 32597 Special Use | Karen Dotson Property Owner | 2440 N. 35th St. 15th Dist. |
| | | Request to occupy the premises as a day care center for 40 children per shift 1 to 5 years of age, operating Monday - Sunday 6:00 a.m. to 9:00 p.m. | |
| | Action: | Denied | |
| | Motion: | Donald Jackson moved to deny the appeal. Seconded by Henry Szymanski. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | -- | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|---|------------------------------------|
| 46 | 32472 Special Use | Patricia Metcalf Lessee | 5140 N. Teutonia Av. 1st Dist. |
| | | Request to occupy the premises as an indoor recreation facility and a second-hand sales facility. | |
| | Action: | Granted 3 yrs. | |
| | Motion: | Henry Szymanski moved to grant the appeal. Seconded by Jose Dominguez. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code.</p> <p>5. That the storefront windows remain as transparent glass per s.295-605-2-i-3-c of the Milwaukee Code of Ordinances and are maintained in an attractive manner.</p> <p>6. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code for Business B occupancies and complies with all zoning conditions and building code requirements prior to occupancy.</p> <p>7. That a fence be erected along the N. 29th St. access and that the unused driveway be removed and restored to City of Milwaukee specifications.</p> <p>8. That these Special Uses are granted for a period of three (3) years, commencing with the date hereof.</p> | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|---|---|
| 47 | 32593 Special Use | Waterstone Bank SSB Kevin Smyth; Property Owner Request to occupy the premises as a rooming house for 17 occupants. | 5475 N. Hopkins St. A/K/A 5475 N. Hopkins St. 2 1st Dist. |
| | Action: | Adjourned | |
| | Motion: | Martin Kohler moved to adjourn the appeal. Seconded by Henry Szymanski. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | -- | |
| 48 | 32703 Appeal of an Order | Milwaukee Free Riders M.C. Club, Inc. Lessee Request to appeal an order from the Department of Neighborhood Services stating that the applicant has not complied with the conditions of case #31552 (this is a revocation order). | 4940 N. 32nd St. 1st Dist. |
| | Action: | Adjourned | |
| | Motion: | This matter has been adjourned by staff and will be rescheduled for the next available hearing. | |
| | Vote: | -- | |
| | Conditions of Approval: | -- | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|--|------------------------------------|
| 49 | 32802 Special Use | <p>Accelero Learning Milwaukee County, Inc. Lessee</p> <p>Request to occupy the premises as a day care center for 150 children per shift 3 to 5 years of age, operating Monday - Friday 7:00 a.m. to 6:00 p.m.</p> <p>Action: Granted 10 yrs.</p> <p>Motion: Henry Szymanski moved to grant the appeal. Seconded by Martin Kohler.</p> <p>Vote: 4 Ayes, 0 Nays, 1 C. Doyle Abstained.</p> <p>Conditions of Approval:</p> <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must meet the signage standards of s.295-505-5 of the Milwaukee Zoning Code. 5. That the outdoor play area is not utilized before 9:00 A.M. 6. That the petitioner submit a copy of the State of Wisconsin day care license to the Board of Zoning Appeals within 60 days of State issuance of the license. 7. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code for Educational - E occupancies and complies with all zoning conditions and building code requirements prior to occupancy. 8. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. | 5719 N. Teutonia Av. 1st Dist. |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|----------------------------------|---|---|
| 50 | 32799 Dimensional Variance | Ray Rydz Property Owner Request to erect a sign that exceeds the maximum allowed area (allowed 50 sq.ft. / proposed 61.6 sq.ft.) and the maximum allowed height (allowed 14 ft. / proposed 20 ft.). | 7000 W. Capitol Dr. 2nd Dist. |
| | Action: | Granted | |
| | Motion: | Jose Dominguez moved to grant the appeal. Seconded by Donald Jackson. | |
| | Vote: | 4 Ayes, 0 Nays, 1 H. Szymanski Abstained. | |
| | Conditions of Approval: | 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That these Dimensional Variances be granted to run with the land. | |
| 51 | 32433 Special Use | Gro Family Services LLC Lessee Request to occupy a portion of the premises as a social service facility. | 6400 W. Capitol Dr. 200 A/K/A 6400 W. Capitol Dr. 1 2nd Dist. |
| | Action: | Dismissed | |
| | Motion: | Martin Kohler moved to dismiss the appeal. Seconded by Henry Szymanski. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | -- | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|--|--|
| 52 | 32719 Special Use | <p>Monte Mabra Lessee</p> <p>Request to occupy a portion of the premises as a social service facility.</p> <p>Action: Granted 5 yrs.</p> <p>Motion: Henry Szymanski moved to grant the appeal. Seconded by Jose Dominguez.</p> <p>Vote: 4 Ayes, 0 Nays, 1 C. Doyle Abstained.</p> <p>Conditions of Approval:</p> <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code for Business - B occupancies and complies with all zoning conditions and building code requirements prior to occupancy. 5. That the applicant has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit. 6. That this Special Use is granted for a period of five (5) years, commencing with the date hereof. | <p>6665 W. Mill Rd. A/K/A 6643 W. Mill Rd. 2nd Dist.</p> |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|--|------------------------------------|
| 53 | 32602 Use Variance | All Saints Catholic Church Nicole Pate; Property Owner | 3717 W. Keefe Av. 7th Dist. |
| | | Request to occupy the premises as a rooming house for 24 occupants. | |
| | Action: | Granted 5 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Martin Kohler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That signage must meet the signage standards of s.295-505-5 of the Milwaukee Zoning Code.</p> <p>5. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary.</p> <p>6. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code for Residential - R2 occupancies and complies with all zoning conditions and building code requirements prior to occupancy.</p> <p>7. That the petitioner obtains a rooming house license from the Department of Neighborhood Services.</p> <p>8. That no more than 2 people occupy each habitable room, per MCO 275-44.</p> <p>9. That this Use Variance is granted for a period of five (5) years, commencing with the date hereof.</p> | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|----------------------------|---|------------------------------------|
| 54 | 32804 Special Use | Wisconsin Gas LLC Robert Bokowski; Property Owner | 2425 S. 35th St. 8th Dist. |
| | | Request to erect a transmission tower. | |
| | Action: | Granted | |
| | Motion: | Hnery Szymanski moved to grant the appeal. Seconded by Donald Jackson. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That the appellant provide a written statement to the Board of Zoning Appeals indicating that the owner or developer will, on a nondiscriminatory basis, make the space provided for multiple reception/transmission systems available to other tower users.</p> <p>5. That the petitioner shall implement and maintain landscaping and screening in accordance with the landscape plan submitted to the Board of Zoning Appeals on September 26, 2013.</p> <p>6. That this Special Use is granted to run with the land.</p> | |
| 55 | 32600 Special Use | Continental A-1 Corp. Property Owner | 6418 W. Mill Rd. 9th Dist. |
| | | Request to construct a new building and to occupy the premises as a motor vehicle filling station. | |
| | Action: | Adjourned | |
| | Motion: | This matter has been adjourned at the request of the Alderman of the District and will be rescheduled for the next available hearing. | |
| | Vote: | -- | |
| | Conditions of Approval: | -- | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|---|---------------------------------------|
| 56 | 32654 Appeal of an Order | Steven J Patrick Property Owner Request to appeal an order from the Department of Neighborhood Services stating that all areas used for the parking of motor vehicles or trailers or light or heavy motor vehicle storage shall have paved or approved surfaces. | 11529 W. County Line Rd. 9th Dist. |
| | Action: | | |
| | Motion: | Donald Jackson moved to uphold the order. Seconded by Henry Szymanski. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | DNS ORDER UPHELD | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|----------------------------|---|---|
| 57 | 32667 Special Use | The Church of Pentecost Lessee Request to occupy the premises as a religious assembly hall. | 8042 N. 76th St. A/K/A 8064 N. 76th St. 9th Dist. |
| | Action: | Granted 3 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Henry Szymanski. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code.</p> <p>5. That the storefront windows remain as transparent glass in accordance with the glazing standards of s.295-605-2-i-3 of the Milwaukee Code of Ordinances and are maintained in an attractive manner.</p> <p>6. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code for Business - B occupancies and complies with all zoning conditions and building code requirements prior to occupancy.</p> <p>7. That the capacity is limited to less than 50 occupants.</p> <p>8. That this Special Use is granted for a period of three (3) years, commencing with the date hereof.</p> | |
| 58 | 32806 Special Use | TitleMax of Wisconsin, Inc. d/b/a TitleMax; Lessee Request to occupy the premises as a title loan agency. | 7250 N. 76th St. 9th Dist. |
| | Action: | Denied | |
| | Motion: | Donald Jackson moved to deny the appeal. Seconded by Jose Dominguez. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | -- | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|--------------------------------|--|--|
| 59 | 32808 Special Use | <p>Educational Enterprises, LLC Prospective Buyer</p> <p>Request to occupy the premises as a school for 500 students K - 8th grades, operating Monday - Friday 7:00 a.m. to 5:00 p.m.</p> | <p>8920 W. Brown Deer Rd. A/K/A 8922 W. Brown Deer Rd. 9th Dist.</p> |
| | Action: | Granted 10 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Jose Dominguez. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | <p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code. Specifically that the existing non-conforming freestanding sign either be removed or reduced in size to comply with the current zoning code.</p> <p>5. That the petitioner agrees to work with the Zoning Administration Group staff on a revised landscape and screening plan. The petitioner must submit revised drawings that reflect these changes to the Board of Zoning Appeals for Zoning Administration Group review and approval prior to the issuance of any permits.</p> <p>6. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code for Educational - E occupancies and complies with all zoning conditions and building code requirements prior to occupancy.</p> <p>7. That the applicant does not display any exterior signs or banners except those approved and installed in conjunction with a sign permit.</p> <p>8. That the petitioner submit a Traffic Safety Plan to the Board of Zoning Appeals office.</p> <p>9. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.</p> | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|----------------------------|---|------------------------------------|
| 60 | 32506 Special Use | Rajesh Kumar Property Owner | 7110 W. Lisbon Av. 10th Dist. |
| | | Request to continue occupying the premises as a motor vehicle filling station and car wash. | |
| | Action: | Granted 5 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Jewel Currie. | |
| | Vote: | 4 Ayes, 0 Nays, 1 H. Szymanski Abstained. | |
| | Conditions of Approval: | <p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That signage meet the standards of s.295-605 of the Milwaukee Zoning Code</p> <p>5. That site illumination must meet the lighting standards of s.295-409 of the Milwaukee Zoning Code.</p> <p>6. That glass tubes (i.e. type associated with individually sold flowers) and any other item deemed to be drug paraphernalia as defined by s.106-36 of the Milwaukee Code of Ordinances or Section 961.571 of the Wisconsin State Statutes not be sold on the premises.</p> <p>7. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary.</p> <p>8. That landscaping and screening is maintained in a manner that meets the intent of City code.</p> <p>9. That the applicant supplies a 24-hour contact phone number to both the Board office and other interested parties.</p> <p>10. That the car wash not operate before 7:00 a.m. or after 9:00 p.m.</p> <p>11. That the applicant does not have outdoor storage or display of products or merchandise.</p> <p>12. That the applicant has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit.</p> <p>13. That these Special Uses are granted for a period of five (5) years, commencing with the date hereof.</p> | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|----------------------------|--|---|
| 61 | 32730 Special Use | Eduvige Jimenez Property Owner Request to occupy the premises as a day care center for 24 children per shift infant to 13 years of age, operating Monday - Saturday 6:00 a.m. to midnight. | 1822 S. 10th St. A/K/A 1822 A S. 10th St. 12th Dist. |
| | Action: | Adjourned | |
| | Motion: | Martin Kohler moved to adjourn the appeal. Seconded by Donald Jackson. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Doyle Abstained. | |
| | Conditions of Approval: | -- | |
| 62 | 32680 Special Use | Genesis Behavioral Services, Inc. Pauline Ortloff; Lessee Request to occupy the premises as a community living arrangement for 26 occupants. | 4803 W. Burleigh St. A/K/A 4803 A W. Burleigh St. 7th Dist. |
| | Action: | Adjourned | |
| | Motion: | This matter has been adjourned at the request of staff and will be rescheduled for the next available hearing. | |
| | Vote: | -- | |
| | Conditions of Approval: | -- | |

Other Business:

Board member Martin Kohler moved to approve the minutes of the October 10, 2013 meeting. Seconded by Board member Karen Dardy. Unanimously approved.

Board member Jewel Currie moved to approve the 2014 hearing calendar. Seconded by Board member Donald Jackson. Unanimously approved

The Board set the next meeting for December 12, 2013.

Board member Jose Dominguez moved to adjourn the meeting at 8:05 p.m. Seconded by Board member Henry Szymanski. Unanimously approved.

BOARD OF ZONING APPEALS

Secretary of the Board

| <u>Item</u> <u>No.</u> | <u>Case No./</u> <u>Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|---------------------------|--------------------------------------|--------------------|------------------------------------|
|---------------------------|--------------------------------------|--------------------|------------------------------------|